

Message Text

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C O N F I D E N T I A L STATE 163110

FOL TEL SENT ACTION BONN NATO INFO ALL NATO CAPITALS FROM STATE
16 AUG 73 REPEATED TO YOU

QTE C O N F I D E N T I A L STATE 163110

E.O. 11652: GDS

TAGS: PFOR

SUBJECT: CSCE: FRENCH DRAFT DECLARATION ON PRINCIPLES
AND FOUR POWER RIGHTS

REFS: A) USNATO 3215; B) STATE 146620 NOTAL; C) USNATO
3595 NOTAL; D) USNATO 3692; E) STATE 084343; F) STATE 124263

1. REF D REPORTS THAT AT NATO SPC MEETING ON AUGUST 1
THERE WAS GENERAL AGREEMENT THAT FRENCH DRAFT DECLARATION
ON PRINCIPLES (REF A) WOULD BE USED AS BASIS FOR FURTHER
ALLIED WORK IN THIS AREA.

2. IN PARA C, REF B WE NOTED ADVERSE IMPACT THAT CERTAIN
PASSAGES OF FRENCH DRAFT COULD HAVE ON FOUR POWER RIGHTS.
PROBLEMS ARE BASICALLY THOSE DESCRIBED REF E AND IN
STATE 188101 OF OCTOBER 16, 1972. AS WITH FIRST FRENCH
DRAFT TABLED IN NATO LAST YEAR, WE FEEL NEW FRENCH DRAFT
ELABORATES EXCESSIVELY ON PRINCIPLE OF SOVEREIGN EQUALITY.

3. HOWEVER, WE AGREE WITH USNATO VIEW (REF D) THAT THIS
SUBJECT WOULD BE DIFFICULT TO DISCUSS IN NATO FORUM.

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THEREFORE, EMBASSY IS INSTRUCTED TO RAISE THIS ISSUE IN

BONN GROUP ON AN URGENT BASIS EMPHASIZING POINTS RAISED
PARA C, REF B AND IN PARAS 4-7 BELOW.

4. DEPT. WOULD PREFER TO USE LANGUAGE FROM OPERATIVE PARA
1 OF CURRENT NATO DRAFT (USNATO 2452) IN PLACE OF FIRST
TWO SENTENCES OF PARA 1 OF FRENCH DRAFT. THIS
COMPROMISE LANGUAGE WAS AGREED AFTER LENGTHY DEBATE IN
NATO AND SHOULD BE PRESERVED IF AT ALL POSSIBLE. SINCE
CSCE MANDATE REFERS TO A PRINCIPLE ON "SOVEREIGN EQUALITY,
RESPECT FOR THE RIGHTS INHERENT IN SOVEREIGNTY", NATO
LANGUAGE COULD BE EXPANDED AS FOLLOWS IF IT WOULD
PROMOTE ALLIED CONSENSUS ON THE POINT:

"EACH STATE ENJOYS SOVEREIGN EQUALITY, IN CONFORMITY WITH
THE PRINCIPLES EMBODI IN THE CHARTER OF THE UNITED
NATIONS, AND EVERY OTHER PARTICIPATING STATE WILL RESPECT
THE RIGHTS INHERENT IN SUCH SOVEREIGNTY."

5. REVISED THIRD OPERATIVE PARA OF FRENCH DRAFT (PARA 3,
REF C) PRESENTS A NEW POTENTIAL PROBLEM FROM THE
POINT OF VIEW OF FOUR POWER RIGHTS. PARAGRAPH COULD BE
READ AS A RENUNCIATION BY THE FOUR POWERS OF THEIR RIGHT
TO PARTICIPATE IN AN EVENTUAL PEACE TREATY WHICH WOULD,
AMONG OTHER THINGS, SET THE FINAL BOUNDARIES OF GERMANY.
SUCH INTERPRETATION WOULD, OF COURSE, CALL INTO QUESTION
THE CONTINUED EXISTENCE OF FOUR POWER RIGHTS. PROBLEM
COULD BE REMEDIED IF SECOND SENTENCE OF FRENCH DRAFT READ
AS FOLLOWS: "THE PARTICIPATING STATES CONSIDER THAT THEIR
BOUNDARIES MAY BE CHANGED ONLY IN CONFORMITY WITH
INTERNATIONAL LAW, BY PEACEFUL MEANS AND BY AGREEMENT
AMONG THE STATES CONCERNED, IN CONFORMITY WITH THE RIGHT
OF PEOPLES TO SELF-DETERMINATION."

6. THE PROBLEMS SET FORTH ABOVE AGAIN RAISE THE ISSUE SET
FORTH IN REF E OF A WESTERN DISCLAIMER ON FOUR POWER
RIGHTS AND WHEN SUCH A DISCLAIMER SHOULD BE ISSUED. AN
ADEQUATE AND TIMELY DISCLAIMER COULD REDUCE IF NOT
ENTIRELY ELIMINATE THE PROBLEMS IN FRENCH DRAFT DISCUSSED
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E PREVIOUS PARAS. SINCE THE CSCE MANDATE CALLS FOR
APPLICATION OF THE PRINCIPLES "UNRESERVEDLY", IT WOULD
SEEM THAT ANY WESTERN "RESERVATION" ON FOUR POWER RIGHTS
SHOULD BE ENTERED AT THE BEGINNING OF STAGE 2 RATHER THAN
LATER ON AFTER THE NEGOTIATIONS ARE WELL UNDER WAY. TO
ENTER A DISCLAIMER AT THE END OF STAGE 2 OR IN STAGE 3,
WOULD ALMOST CERTAINLY RESULT IN CRITICISM THAT THE ALLIES
HAD NEGOTIATED THE DECLARATION IN BAD FAITH, AND MIGHT

WELL ENCOURAGE THE SOVIETS TO ENTER THEIR OWN DISCLAIMERS
CONCERNING THOSE ASPECTS OF THE DECLARATION WHICH THEY
DID NOT LIKE.

7. FOR BONN: YOU SHOULD ATTEMPT TO SECURE BONN GROUP
APPROVAL TO THE FOLLOWING SCENARIO FOR HANDLING DISCLAIMER
AT CSCE: AT OUTSET OF STAGE 2, US WOULD CIRCULATE WRITTEN
DISCLAIMER ALONG LINES PARA 3 REF F. OTHER BONN GROUP
MEMBERS (AND, CONCEIVABLY, SOVIETS AS WELL) WOULD
ASSOCIATE THEMSELVES WITH US STATEMENT WHICH WOULD THEN
BE MADE PART OF FINAL CONFERENCE RECORDS UNDER RULE 7 OF
THE RULES OF PROCEDURE. WE RECOGNIZE THAT IT WOULD BE
VERY DIFFICULT TO GET CONFERENCE CONSENSUS UNDER RULE 11
ON MAKING THIS STATEMENT PUBLIC AND THEREFORE BELIEVE
THAT BEST COURSE WOULD BE FOR NATIONAL SPOKESMEN
SUBSEQUENTLY UNILATERALLY TO BRIEF PRESS IN GENERAL WAY
ON CONTENT OF DISCLAIMER.

8. FOR USNATO: YOU SHOULD ATTEMPT TO ACHIEVE WORD CHANGES
SUGGESTED PARAS 3-5 ABOVE IN NATO DISCUSSIONS TO THE
EXTENT THIS IS FEASIBLE. DEPARTMENT'S COMMENTS ON OTHER
ASPECTS OF REVISED FRENCH DRAFT WILL BE TRANSMITTED
SEPARATELY.

9. REFS B AND C BEING REPEATED TO AMEMBASSY BONN. RO
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